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Contesting “Flexibility”

Networks of Place, Gender, and Class in Vietnamese Workers’ Resistance

ANGIE NGỌC TRẦN

As Vietnam reintegrated into the world capitalist system after domestic market reform in the late 1980s and the collapse of the Soviet bloc in the early 1990s,¹ it engaged the global capitalist economy and flexible subcontracting production while maintaining a nominally socialist government. This reflects the state’s complex and contradictory relationship to capital and labor; rhetorically it shows a commitment to uphold socialist ideals (especially labor equity), but it also facilitates the accumulation of capital.

The point of entry for my contribution to the study of labor commodification—or the making of compliant and “flexible” workers by factory disciplining—and workers’ resistance efforts in the contemporary Vietnamese context is an examination of labor processes and relations in Vietnamese textile and garment industries. As one of the major centers of garment production in Southeast Asia, Vietnam is a magnet for foreign-owned businesses, most of which are subcontracting for large multinational clothing companies and retailers. They dominate the growing private sector, with activities concentrating in export-processing zones (EPZs) and industrial zones (IZs) in the south. Due to the highly competitive nature of garment production worldwide, controlling and disciplining labor are keys to the success of multinationals and the subcontractors overseeing production in Vietnam. Thus, the labor commodification process is central to the larger production process. I also hope to contribute to resistance studies by exploring protests against the commodification of garment workers in the unique context of a socialist country actively engaging global capital.

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Migrant workers play a key role in the narrative of the commodification of labor in contemporary Vietnam. Most of the workers in the EPZs and IZs are women who migrate from provinces in the north (such as Nam Định, a historic major textile/garment town) and central Vietnam (such as Quảng Nam) to work in the south. These migrant workers start off as apprentice workers in factories, but under the conditions of flexible production in global subcontracting they become less than human; they are turned into a commodity, and, like a lemon, "squeezed to the last drop" (Trần 2005). To cope with and resist the labor commodification process, they use all the tools and resources available to them: place-based identities; gender, social and cultural networks; and local advocates such as district labor unions and, increasingly, labor newspapers. I will illustrate how workers have reached out directly to *The Laborer* (*Người Lao Động*), the official forum of the Hồ Chí Minh City (HCMC) Federation of Labor Unions, as the state and the Vietnamese General Confederation of Labor (VGCL)—the central labor union—struggle to represent workers' rights and interests in the growing private and shrinking state sectors.

Through interviews with women strikers and leaders, labor newspaper accounts, government reports, and other secondary sources, I present a study of the labor commodification process and public labor protests against this process in socialist Vietnam. This concrete evidence from fieldwork in Vietnam examines a new form of Karl Polanyi's countermovements (Polanyi 2005), and thus contributes a feminist perspective on this aspect of globalization and resistance to the literature (Marchand and Runyan 2000; Perry 1993). I show that the case of socialist Vietnam, despite all of its contradictions, demonstrates that migrant workers and local actors can create a challenge to capital that is consistent with alternative visions of globalization (Bonacich 2005; Appelbaum 2005).

Polanyi's argument back in 1957 still explains the labor commodification process in Vietnam and provides justification why that process would bring about a countermovement or resistance:

Labor is only another name for a human activity which goes with life itself, which in its turn is not produced for sale but for entirely different reasons, nor can that activity be detached from the rest of life. . . . To allow the market mechanism to be sole director of the fate of human beings and their natural environment, indeed, even of the amount and use of purchasing power, would result in the demolition of society. (Polanyi 2005, 51)

In the context of contemporary Vietnamese factories, I explain how global subcontracting and just-in-time delivery and production systems discipline workers and make them into compliant and flexible workers for flexible production. First, I explain how low-skilled and low-paid assembly work reduces workers to a replaceable, compliant, and disposable commodity, or labor commodification.

Then, I discuss how workers, as a collectivity, resist such factory disciplining in overt economic protests in labor-intensive industries. They use their cultural, kinship, and gender networks as bases to organize and support each other, as well as to protest against being treated like disposable commodities. I call this process decommodification, in which workers fight publicly to regain their sense of dignity and human decency. Because of both historical and geographic differences in their circumstances, Vietnamese garment workers perform resistance differently than these forms described in classic work by Lee (1998) and Ong (1987, 1997) about Hong Kong and Malaysian workers.

Kinship and gender play important roles in the activities and consciousness of both Malaysian and Vietnamese migrant workers, thus the role of cultural embeddedness.² However, unlike the subtle forms of resistance deployed by Chinese and Malaysian workers, Vietnamese garment workers and their allies use a variety of social networks—place, class, and gender-based—to organize ways to reappropriate power in direct and public ways to alleviate their situations.

For example, Vietnamese workers use public economic contestations with clearly defined and openly declared strike agendas, announcing concrete demands and resuming work only after their requests are met. This also differs significantly from the tactics of Malaysian factory women who used local cultural and religious practices to stop production (Ong 1987).

Making “Flexible” Migrant Workers (*lao động nhập cư*)

Making the workforce temporary and vulnerable is a common strategy used by multinationals in Vietnam and elsewhere in the world to commodify labor. Subcontractors taking orders from multinational corporations (MNCs) hire neophyte, young female workers for low wages and avoid paying benefits such as unemployment, social security, and health care. Over 90 percent of the Vietnamese garment workforce is made up of young women in their early twenties, which is similar to the situation in Malaysia and China (Ong 1987; Lee 1998). Most of these young female workers migrate from poor provinces in Vietnam; they are called “*lao động nhập cư*” (migrant workers). Workers concentrate in low-skilled, low-paid industries such as textile, garment, shoe, and toy manufacturing in EPZs and IZs nationwide (Hà Linh Quân, September 14, 2004). They successfully staged massive minimum-wage strikes in December 2005. By February 2006, workers in foreign direct investment (FDI) factories had gained a 40 percent increase in the minimum wage after such wages were frozen for ten years (1996–2005) (see Trần 2007b).

Most workers come from poor provinces in the north (such as Nam Định, Thái Bình) and central Vietnam (such as Quảng Nam, Quảng Ngãi, Đà Nẵng). These migrant workers in the twenty-first century are similar to the “Lowell mill girls” of Massachusetts in the nineteenth century (thousands of young New

England farm women between the ages of fifteen and thirty who came to work in textile factories, 1823–1860s) and the Guangdong “maiden workers” in the Shenzhen Special Economic Zone bordering Hong Kong at the end of the twentieth century (Lee 1998). Most migrant workers can only afford to live together in very small rental units into which four or six workers are crammed. The average monthly rent for these dilapidated and unsanitary units ranges from about US\$4 to US\$10 per person (Hà Linh Quân, September 14, 2004).

Multinationals sustain job uncertainty to produce compliant and vulnerable workers. Most companies do not offer workers permanent labor contracts even after they successfully pass the one-year probationary period. This is the case of a Nam Định migrant worker, who in 2004 was offered another annual contract even after having passed the one-year probationary period in 2001. This violation happens regularly in East Asian companies, as district labor union officials acknowledged in the strikes conference in HCMC in 2004. Some workers receive no contract at all. For instance, Weihua Limited Company (a Taiwanese company in District 12, HCMC) hired 550 workers but signed only seasonal short-term labor contracts with 192 workers; the rest had no labor contracts. Similarly, a Japanese company employed 400 workers but none were offered a contract, while Lee Shin International Limited Company (a Taiwanese company) hired 450 workers, none of whom were offered labor contracts (Lê Thùy, December 30, 2004). In all these cases, not signing permanent contracts is just one of many labor violations that have occurred in many East Asian factories.

Factory control and discipline aim to transform workers into compliant commodities. Workers have to be flexible to accommodate production fluctuations. They bear the costs of flexibility, while management accumulates the benefits. Workers’ flexibility is very important because it ensures on-time delivery, which is especially significant in the fashion garment industry. When small-batch orders or imported materials arrive late, workers are expected to stay late to finish products in time to meet the factory’s delivery schedule. They often face overtime work during peak seasons and underemployment during slow seasons. For all this flexibility and compliance, workers are rarely compensated for their overtime work (interview with Ms. BV, Women’s Department in the HCMC Labor Unions, July 21, 2004).

Factory discipline coerces workers into doing overtime work. They can’t decline these requests for fear of losing their jobs. Most workers end up enduring it until they can no longer withstand the exploitation and publicly protest this coercion (interviews with Ms. VTN and Ms. VTT, workers from Nam Định; and Ms. NTY from Quảng Nam in August 2004; Thùy Anh, August 30, 2005). One worker at Shilla Bags (a Taiwanese-owned factory in Bình Chánh District) showed me the overtime condition in her annual labor contract: “Depending on the urgency of delivery schedules, I agree to work overtime” (interviews with Ms. VTN, July and August 2004). Like most workers, she had no recourse but to

sign it. This common practice is confirmed by most labor union representatives, as well as by management groups such as the Taiwanese Economic and Cultural Office and the Vietnamese Chamber of Commerce in HCMC at their August 2005 conference on strikes. Moreover, workers are punished if they protest this forced overtime work. At the Keyhinge Toys factory in Đà Nẵng (a growth city in central Vietnam), management clearly stated the company directive: "Overtime work is dependent on the agreement of workers; if they don't want to work overtime, then so be it!" Nevertheless, workers were laid off for one week as punishment when they protested in writing against overtime work for which they did not receive proper compensation (Hoàng Dũng, May 12, 2005).

The position of the state and the VGCL on gender roles in the global capitalist economy to a large extent facilitates foreign capital accumulation. This is reflected in their efforts to produce a compliant female worker, described as "law abiding," who is expected to carry the double burden of fulfilling responsibilities at work and at home and to refrain from participating in wildcat strikes. Local labor unions also promote a type of "superwoman" female worker (interviews with Ms. BV, 2005).

Although they ostensibly fight for the rights and benefits of female workers, their official documents exhort women to fulfill the patriarchal expectations of the work-home double burden. Labor union campaigns expected women to be "Good in national affairs and good in domestic affairs" (*giỏi việc nước, đảm việc nhà*) and that "Women study hard, work creatively, and build happy families." In this context, "national affairs" in peacetime Vietnam implies working hard in factories while also fulfilling domestic household roles. They also spell out that the "art of being wives, mothers, and daughters-in-law" means reproducing traditional female roles "to build happy families" (Hồ Chí Minh Labor Federation 2004).

This rhetoric is conveniently used by management, especially in East Asian-owned companies. Management in these companies produces compliant and docile workers by relying on patriarchal authoritarian relations in factories, which is tolerated to a large extent by the state.³ Most Taiwanese and South Korean firms in Vietnam are small- to medium-sized companies and operate on the model of a patriarchal family (Korean Trade Association office in Vietnam, 2005). In these companies, workers have to bow when they see the East Asian line leaders, supervisors, or technical personnel. Studies and newspaper reports show that some East Asian managers verbally (and in some cases, physically) abuse workers, leading to all forms of protests in these companies (MOLISA et al. 2004; Trần Đức, December 28, 2004). Public humiliation is a common authoritarian practice in these companies. While walking through the assembly lines of a textile factory in the north in 2003 with a South Korean public relations representative, I heard the South Korean line leader yell in Vietnamese over the loudspeaker, admonishing a particular assembly worker by her number with the message: "Work faster,

work faster" (*làm nhanh lên*). Workers frowned, shook their heads, and complained to each other about such public humiliation.

Strikes as a Form of "De-Commodification"

A countermovement, in a Polanyian sense, of workers aimed at protecting their rights and interests against market forces exists in labor-intensive factories in Vietnam (Mittelman and Chin 2005, 20–26; Polanyi 2005, 53). Evidence shows that Vietnamese worker protests have some characteristics of a Polanyian countermovement; their forms of resistance, or decommodification, are public ones with a clear agenda to protect themselves against the negative aspects of market forces and to expose specific labor violations, most often in foreign-invested factories supplying the MNCs.

Workers resist being commodified, often engaging explicitly in efforts to de-commodify themselves, refusing to be treated as less than human beings and protesting to demand their basic rights. Migrant workers are most vulnerable; they need their salaries on time to feed themselves, save some for their families, and take buses home to visit far-flung villages. Late or partial salary payment exacerbates their poor living conditions, since most migrant workers do not have the local support systems needed to help them through hard times in the south. Their protests are short and for urgent economic goals: from several hours to several days, just sufficient to grab the attention of management, the media, the local governments, and the labor union offices. They cannot strike for a long time without access to strike funds.

Strike laws in Vietnam, while progressive for a socialist country, do not empower workers' contestation against labor commodification. There have been over fifteen hundred strikes since strikes were legalized in 1995 up through June 2007. Most strikes occurred in factories with East Asian investment and management, and were spontaneous and without labor union leadership. Most strikes were classified as "illegal": the unworkable strike protocol (the version before its November 2006 revision) and unequal power relations in the commodification process stifle the ability to strike legally. Unions, at the factory level, often failed to obtain the required over 50 percent of workers' votes in order to strike. Most factory-level union representatives were employees who often were harassed and penalized for their labor organizing efforts. Many lost their jobs when collecting strike votes: "If I were to go around to collect workers' signatures, no doubt the owner would accuse me of inciting workers to protest and I would lose my job in no time," lamented a labor union president at a South Korean company in an industrial zone in the south (Hong Van 2005). A revised strike law, ratified in November 2006 and effective in July 2007, is aimed at addressing these weaknesses (Trần 2007a).

The number of strikes in Vietnamese factories has risen consistently, especially after the normalization of Vietnam-U.S. relations in 2000 when different

types of global capital entered socialist Vietnam. More strikes occurred in factories with foreign capital and management, and fewer public strikes occurred in state-owned enterprises (Trần 2007b).

In the FDI sector, the employees of only 40–45 percent of companies were represented by unions, compared to about a 15–20 percent unionization rate in the private domestic sector. There are 5.6 million union members out of about 12 million wage-earning workers in Vietnam's state and private sectors (Mr. Trần Văn Lý, member of the VGCL Executive Committee and director of Foreign Relations, August 2006; January 2007). About 1.6 percent of the total labor force work in the FDI sector. Again, this statistic may be underestimated due to an ongoing privatization process which has been laying off state workers who might resort to working in FDI factories.⁴ Given the ongoing privatization process (or "equitization," as the Vietnamese state calls it) in which state firms sell stock shares to their state workers and the public, transforming state companies into private enterprises, the official percentages of workers in FDI and non-state sectors may be underestimated.

Most strikes have taken place in companies with East Asian capital and management, especially those from Taiwan, South Korea, and Hong Kong, which concentrated in the south in labor-intensive industries such as garment/textile and footwear manufacturing. The top five investors in Vietnam as of mid-2006 are from East Asia: Taiwan, Singapore, Japan, South Korea, and Hong Kong (Ministry of Planning and Investment 2006). Most strikes occur in southern industrialized provinces with a high concentration of East Asian investment such as HCMC, Bình Dương, and Đồng Nai. I have examined elsewhere the patterns of strikes by ownership types, and found that while most strikes occurred in the FDI sector, workers in the state sector producing for the MNCs also protested, but their protests took more subtle forms such as petitions and complaint letters sent to local labor newspapers, to local state bureaucracies (such as departments of labor, labor courts, people's committees) and to labor unions (Trần 2007b).

Worker Networks and Alliances: Place, Gender, and Class

Migrant workers bond to one another as they re-create the lifestyles, work ethics, and cultural practices of their northern and central Vietnam hometowns or villages in southern worker communities, far from the support of home. Female workers in particular create strong bonds with one another during both good times and strikes. Many Nam Định women workers demonstrate leadership qualities that may have come from the traditions of resistance in their native place. Moreover, cultural connections between experienced strike leaders and lower-skilled workers help to protect them from being turned into a commodity in flexible production processes.

Thousands of migrant workers live, work, and look after one another in local "factory towns" adjacent to the EPZs in HCMC and its surrounding areas, where workers walk or ride their bicycles to work (Hà Linh Quân, September 14, 2004; fieldwork 2006). I found a special bond between northern and central migrant women workers who live in makeshift worker dormitories or rental units near the factories. Coming from poor provinces with similarly dire conditions in north and central Vietnam not only creates strong bonds among them but also develops a shared identity. One Nam Định worker intimated, "It is harder to get along with workers from the south because this is their land. They talk, cook, and spend their money differently." Another agreed about this special bond: "Workers from poor regions in the north and central get along better because they are used to hardworking lifestyles. Workers from the south often get into shouting matches with each other; they do not work very hard, and often give us a hard time."⁵

I interviewed several Quảng Nam workers in their rental units who then introduced me to a group of Nam Định workers during my fieldwork in Gò Vấp District in 2004. I learned about the typical patterns of the migrant workforce, which begins with some family members migrating first and then other family members joining them once the first group finds jobs and places to stay in the



Figure 3.1. Migrant workers in Ho Chi Minh City watching another worker's wedding video, August 2006. Credit: Angie Ngọc Trần.

south. The Nam Định strike leader at the Taiwanese company in Bình Chánh District came to the south first with her husband; her three brothers joined them later in a small one-bedroom rental unit. In 2004, her young son was still in Nam Định, being cared for by her parents. During the Vietnamese Lunar New Year holiday, she and another Nam Định worker took the bus home to Nam Định and then back to Gò Vấp together.

Cultural and religious activities strengthen this place-based bond. Many Nam Định workers are Catholic, so they often go to church together on the weekends. Since they share similar cooking styles and tastes, these women cook and eat their meals together; after work, they congregate at night, have informal gatherings on the weekends when they do not have to work overtime, and take the bus together to their Nam Định homes during holidays. MNCs appear to be savvy now in meeting workers' cultural needs in order to prevent potential resistance. The management of Sam Yang—a company in Cù Chi District that had been plagued with strikes—sponsored a “Singing with Workers” concert, in cooperation with *The Laborer* newspaper in 2004. The event drew an audience of over ten thousand workers and their families who braved the rain to enthusiastically hear the performers. The following year, *The Laborer*, a state TV station, and two other privately owned companies sponsored and organized this cultural event for workers in a major export-processing zone in HCMC (Trần Hiệp, August 24, 2005).

How does the nexus of gender and place-based identity relate to resistance? To what extent do Nam Định women workers carry on the resistance tradition, which dates back to resistance against the colonial French, in textile/garment industries? How do strike leaders use cultural categories such as “sisters” to connect with other workers in familial gender networks and protect them from being turned into commodities?

Vietnamese workers' native-place identity brings them together in protests against labor commodification, consistent with the kinship bonds/networks used in Shanghai strikes (Perry 1993) and the clandestine protests in Hong Kong and Shengzen factories (Lee 1998). Many Vietnamese women workers take leading roles in labor organizing and strikes. Most are experienced older workers who understand workers' rights and are conscious of recurring labor violations perpetrated by management. These proactive and experienced women gain valuable knowledge of labor regimes from networking with co-workers for years on the assembly line. They inform recently hired workers, both male and female, about the protests and cajole workers to join them. Relying on cultural bonding, experienced female strike leaders were able to recruit lower-skilled workers to join the protests because these young workers respect and listen to “*đàn chị*” (elder sisters) who can offer advice on the basic entitlements for which they fight. One leader told me in 2004 that as soon as the recently hired workers saw the experienced older sisters refusing to eat contaminated food and water sold by management in the cafeteria, they all followed suit, which then led to management's allowing workers to buy food from outside vendors.

In addition to gender, place-based identity, and cultural bonding, a sense of dignity and human decency brings migrant workers together to protest against being treated as disposable commodities or draft animals that carry the heaviest workload. Strike narratives reveal evidence of class consciousness as some migrant workers identify themselves as belonging to the "we workers" class and publicly expose blatant labor violations. Appealing to the workers' sense of dignity, strike leaders use this language to urge their fellow workers to stand up for human decency and join the strike. A Nam Định migrant worker who worked in a Taiwanese factory with no factory-level labor union told me in anguish in 2004, "We workers are human beings, not dogs and cats, so we deserve to have clean and decent meals, not contaminated food like this!" She and her co-workers boycotted the lunch sold by the factory cafeteria after finding worms in the soup and other dishes. That protest grabbed the attention of management, which switched to another food provider in response.

Native-place bonding does not always work to empower workers because it sometimes conflicts with management hierarchy at the factory. The effort to produce compliant workers for flexible global production can weaken the native-place bonds between the Vietnamese line leaders/supervisors and workers. One worker got along well with her line leader, a woman from a northern central province, who hired mostly northern migrant workers in her factory. Although the native-place bond (both came from northern provinces) enabled this worker to convince her Vietnamese supervisor to demand improvements in meals and sanitary conditions from the Taiwanese boss, on other issues the supervisor's allegiance to the management was stronger: "My boss allied with the Taiwanese boss and gave us workers a hard time. She never approved any workers' requests to take a day or two off, even on family emergency" (interview with Ms. VTN, July and August 2004).

Networking skills have become more relevant in labor organizing and de-commodification efforts, especially in low-skilled assembly work. Many strike leaders have mobile phones to network and organize fellow workers. In this sense, workers too are mobile. They communicate with local labor newspapers and TV stations to spread the news about their upcoming strikes and to pressure management to come to the negotiating table. During my 2004 fieldwork, I saw strike leaders and investigative journalists from *The Laborer* contact each other directly using cell phones. As soon as one of the major investigative journalists at *The Laborer* learned about a water contamination problem at a Taiwanese factory, she contacted the female strike leader by phone and published a cover story in the newspaper the following day. This stimulated the manager to fix the problem promptly.

Knowledge is power in resisting labor commodification. If management takes advantage of the "flexibility" of workers by forcing them to work overtime, workers can take advantage of the most important aspect of flexible production, just-in-time delivery, to stall the whole production process. Many stage their

strikes at the most strategic time—on the delivery date—or stop the machines at a critical stage, which paralyzes the whole production process. Knowing that MNCs fear losing their worldwide reputations if they do not abide by labor (and environmental) standards, workers inform local advocates, such as *The Laborer*, the local labor unions at various levels (ward, district, city), and the local departments of labor. They use an array of tactics to grab the attention of advocates such as chanting collectively in unison a simple message, “paying wages, paying bonuses,” in front of the management office to demand bonus pay (a small amount to complement their very low wages, which enables migrant workers to take a bus home for the holidays); by squatting in front of the factory gate to obstruct “competitive” workers, management, and delivery; and by boycotting lunches and making noise during nap times so no one can rest and work efficiently (Trần 2005).

Evolving Roles of the State and the Labor Unions

Given the state’s complex and contradictory relationship to capital and labor as it engages the global capitalist economy and flexible subcontracting while nominally maintaining a socialist government, how do these contradictions affect workers?

Workers engage the state on their own behalf, making use of the rhetoric of a workers’ state. They make use of the state’s rhetorical commitment to uphold socialist ideals, including an equitable society, by appealing to all parts of the state apparatus, using strategies ranging from writing complaint letters to the local labor newspapers to submitting their complaints to the local labor and people’s courts. The evidence from workers’ narratives and their complaint letters indicates different forms of protests. In public protests they rely on native-place identity, cultural bonding, and local advocates as tools to organize and fight back; in private complaint letters, they invoke the state’s rhetoric to hold them accountable to their pro-worker socialist ideals.

The state’s dilemma of sustaining its commitment to social equity (at least rhetorically) and facilitating capital accumulation is reflected in the VGCL’s loss of control over the production process to the MNCs.⁶ The VGCL is no longer a monolithic power and faces challenges at the central and local levels. Structurally, it is still the only mass organization of Vietnamese workers, and key labor union officials are Vietnamese Communist Party members. It has a well-established regional structure: central (the VGCL office in Hanoi), city (with two major federations of labor in Hanoi and HCMC), district/province (many are active near the EPZs), hamlet/ward, in the export processing zones and industrial zones (such as HEPZA in HCMC), and at the factory level (mostly absent in foreign companies). The VGCL also oversees an industrial union structure consisting of thirteen unions with a combined membership of seven hundred thousand members from

state-owned enterprises directly controlled by some state ministries; seven labor unions covering workers at state corporations directly under the VGCL cover the rest of the 5.6 million union members. Internal structural weaknesses and an inadequate capacity to organize the growing private sector have weakened the VGCL vis-à-vis the power of multinationals.

Most factory-level labor union representatives, while structurally under the VGCL, receive salaries from management. Their financial dependency gives rise to conflicts of interest. In some cases, they even had to report specific union activities to management to get their support and funding (interview with Mr. DC, manager of a Taiwanese company, August 2004). Many VGCL officials recognized these structural weaknesses and have proposed solutions that will be ratified at their congress in 2008 (e.g., Trần 2007a).

Southern labor unions at the city and district levels better understand the workers' plight and respond more promptly and effectively to labor organizing and protests. Since the VGCL pays the salaries of union officials at city/district levels nationwide who work full time for union activities, they are financially independent of the foreign companies. Also, most union leaders at the district level are in the factory areas and therefore understand the factory situations and can respond to their protests in a timely manner, especially in factories without enterprise-level labor unions (interviews with Mr. Phạm Ngọc Đoàn, head of Gò Vấp Labor Unions, July and August 2004, and Mr. Hùng, then director of the Labor Management Department in HCMC Export Processing Zones, August 2004; Vĩnh Tùng, June 30, 2003). However, one dynamic and committed labor union leader in volatile Gò Vấp District told me about the difficulties in obtaining an appointment with the managers/owners and in reaching out to workers in nonunionized factories, especially during peak seasons when most workers have to work overtime. A district union leader also had an intimate understanding of the tactics of East Asian capital: "Taiwanese owners/managers were the trickiest of all foreign capitalists because they are knowledgeable about Vietnamese cultural practices and thus can give lip service to 'always protect workers' to appease the labor unions and DOLISA offices [local departments of Ministry of Labor at the city/ province/ward levels]. But in reality they do not implement these policies."

Lack of district labor union personnel and resources and restrictive company policies create barriers to establishing labor unions at the factory level. Workers in foreign-owned factories had lukewarm attitudes about the effectiveness of local labor unions, as one worker leader told me:

The Gò Vấp district labor unions promised to pressure management to form a labor union at the enterprise level. They came down to the factory once, but spent most of their time with management, and walked briefly around the factory. There was not even enough time for us to ask questions, never mind going through the process of electing a labor union representative on the factory floor. I would have volunteered to be a union representative if I had been given a chance.

In workers' own voices, time pressure and the manner in which factory visits were conducted (indicating unequal power relations between management and labor unions) also played a role in their frustration with local labor unions.

Local labor unions, while structurally part of and paid for by the VGCL, have some level of autonomy in responding to labor problems in a timely manner without having to wait for orders from the central authority. Some district labor unions in strike-prone areas have made efforts to stand up to the MNCs and are not complicit in making "flexible" workers. Of course this depends on the dedication and ability of individual labor union officials, but general proximity to the workers makes the local union representatives more responsive to the workers' plight and accountable to them.

Alliances between local agencies assist the struggle against labor commodification. Local labor unions work closely with local state offices (such as the Ministry of Labor in HCMC) and with management to resolve labor conflicts. For instance, the District 11 Labor Union in HCMC received sixty-four formal worker complaint letters exposing labor violations between 1999 and 2004. They worked with management and local officials to resolve fifty-seven cases (an 89 percent success rate), winning settlements of US\$47,000 for workers and the rehiring of sixteen workers who were laid off due to their participation in strikes. They also provided legal consultations to eighty-nine groups of workers on labor laws (Phạm Hồ, November 17, 2004).

New Space and Strategy for Decommodification Efforts: The Dynamic Role of Local Labor Newspapers

Labor newspapers, still the media arm of the VGCL, face a challenging balancing act between reproducing a type of compliant worker (according to the pro-FDI state policy) and creating a public forum for workers to voice their complaints, which otherwise would not be heard by management, enterprise-level labor unions, and local state officials.⁷ There are two major labor newspapers, *Lao Động* (*Labor*, the media arm of the central labor unions, which is based in Hanoi) and *Người Lao Động* (*The Laborer*, the official forum of the HCMC Labor Federation). While *Labor* has national coverage of labor union activities and strikes and is more policy oriented, *The Laborer* has timely, on-the-ground strike coverage focused on the south and surrounding vicinities (see Trần 2007a). In January 2008, *The Laborer* reported massive spontaneous strikes demanding FDI companies to implement inflation-adjusted minimum wages based on Decree 168CP effective January 1, 2008.

The Laborer is the most influential and popular daily labor newspaper in the south. It continues to reflect an ideologically proper image of the work of local labor unions. However, its daily and weekly reporting on labor issues clearly demonstrates

that it has some level of autonomy to give voice to workers, especially when local labor unions and state officials fail to respond to workers' urgent needs. Thus, *The Laborer's* autonomous actions compensate for the contradictory positions of the state and VGCL on labor commodification and workers' resistance (Trần 2007a).

The Laborer has been successful in bringing key stakeholders to the negotiating table. Through its reporting in its biweekly "Rights and Responsibility" page of the "Labor Unions" section, this newspaper provides a social-justice justification for workers to stand up and fight for basic human rights, while also reminding workers to respect the labor laws. It also provides some space for management's perspectives. Approximately 70 percent of labor violations reporting on the "Rights and Responsibility" page are prolabor and 30 percent are from other perspectives (interviews with Ms. T, *Laborer* newspaper journalist, July, August, September 2004, and Mr. Q, *Laborer* newspaper journalist, July and August 2004). At least ideologically, investigative journalists are somewhat safeguarded since, as Vietnamese Communist Party members (albeit not all), they are charged with fighting for workers' rights. On permissible topics, while still being censored by the newspaper's editorial board, most of the reporting remains intact. In different columns on the "Rights and Responsibilities" page, investigative journalists expose management's labor violations and the weaknesses of state officials in protecting workers. Although these journalists are vulnerable to complaints and harassment by management, they feel that ideologically they prevail (interviews with Ms. T, 2004). *The Laborer* covers wide-ranging and significant issues of concern to workers; it offers a new site for workers' resistance. This new public space offers effective and potent resources: transparency, immediacy, and timeliness (see Trần 2007a and 2007b). The "Rights and Responsibilities" page exposes concerns about labor laws not being implemented as intended in the Labor Code and features the viewpoints of all stakeholders on labor issues. The "Policy Roundtable" column brings together state officials, managers, legal experts and other stakeholders to express their positions on labor issues, to explain specific stipulations of the labor code and to recommend concrete policy changes at the higher levels of state institutions. This process is significant because labor policy adjustments and changes can both improve the livelihood of workers and stabilize production for firm owners. Covering the explosion of strikes, this column featured a range of perspectives on nationwide debates and conferences on problems with the 1995 strike law, which had contributed to over fifteen hundred wildcat strikes (1995–June 2007), leading to the November 2006 ratification of the revised strike law.

In terms of immediacy and timeliness, *The Laborer* offers a twenty-four-hour hotline phone number for workers to report labor violations and impending strikes; this enables investigative journalists to cover unfolding conflicts. The newspaper staff is also ready to meet one-on-one with workers who, out of frustration, have gone directly to the newspaper's head office in HCMC to expose labor violations and injustices. Thus, it has become the first responder to

most strikes that erupt in HCMC and its vicinity. Knowing that management is fearful of being exposed in the public media, workers often call local labor newspapers and union officials to intervene on their behalf and give interviews to the labor newspaper when reporters arrive on the scene. Once the story is exposed in the newspapers, all stakeholders at the local level collaborate to resolve labor-management conflicts. For example, one strike leader mentioned earlier complained to a *Laborer* journalist about the contaminated drinking-water tanks (storing unboiled hot and cold water) that made them sick and led them to bring their own bottles of clean water from home; in turn, *The Laborer* exposed this problem and other labor violations in a 2004 article, forcing management to make changes.

The most dynamic column in *The Laborer* is the weekly "Labor Law Counsel Forum" that facilitates direct dialogues between workers and managers/owners on particular cases. After exposing labor violations to the general public, it effectively pressures the perpetrators to be accountable for their actions and to redress their wrongdoings appropriately. Workers often submit their complaints on pay, working conditions, and insurance (health, unemployment). Most of the time, workers receive their entitled benefits or clarifications on company actions and decisions, or both. As soon as these issues are publicly exposed, management, unions, and state officials are forced to rapidly respond to labor violations or queries.

An example from *The Laborer* demonstrates the effectiveness of the "Labor Law Counsel Forum." In May 2005 a worker at An Phú Châu Garment in District 9 HCMC posted her complaint: "I worked for this company many years, and contributed to the social security fund every month. In 2003, I gave birth to a baby, but as of now I still have not received any maternity benefits." Her posting resulted in management admitting to their mistake and advancing money for her maternity entitlements. Mr. Đào Công Biên, the personnel office manager of An Phú Châu Garment company, responded:

We acknowledged what the worker said is true. It is because of our company's lateness in contributing to the national Social Security fund that the district Social Security office did not pay workers' benefits. But we recently paid our overdue Social Security contribution, so the Social Security office is now in the process of paying maternity leave for workers. In the meantime, we are willing to advance maternity leave benefits for Ms. Tuyền.

The public posting led the company to address not only this worker's case but also to pay their overdue contribution to a government fund; consequently, this type of management response benefits more workers ("Labor Law Counsel Forum," *The Laborer*, May 17, 2005). Without the newspaper's intervention, or the worker's belief that she could use it to effect some recourse, the outcome may not have been the same.

What Makes Vietnam Different?

Workers' nexuses of identity—native-place bonding; social, cultural, and gender networks; skills and knowledge; sense of belonging to a working class—play a vital role in their protesting openly against the commodification process. Migrant workers re-create their ways of life in the south of Việt Nam to cope with labor commodification, engage the state, and use all the mechanisms they have at their disposal to contest management's domination. Thus, dependence on place-based identity does not necessarily become fragmented vis-à-vis mobile capitalism and flexible accumulation as Harvey (1990) cautioned (which perhaps is more relevant in the context of the multicultural U.S.). These migrant workers demonstrate how they connect in a new place (southern Vietnam), strengthened by networks of native-place (north and central Vietnam), gender and class, and fight locally against mobile global capital. This chapter thus gives compelling evidence of countermovements of labor organizing to fight for their rights.

However, it is not merely workers organizing along particular dimensions of identity and protesting to the state that have effected changes in labor practices in Vietnam's market socialism. Institutions founded under the full socialist regime—for example, labor unions and their labor newspapers—have been transformed and are contributing to transformations when the labor-capital relations established since market reform in late 1980s produce conflict and tension. This demonstrates the significance of history and geography in Vietnam, a socialist state that has embraced foreign investment and facilitated foreign capital's access to domestic labor. Although the labor-capital relations anticipated from foreign capital investment in a "poor" country may be the same in capitalist and postsocialist settings, the responses to them are not. Besides calling on their own social networks, these workers turn to instruments of propaganda established by the state. To some extent, workers' expectations, instilled by the ideologies they grew up with, have turned labor union media into instruments of protest during those critical moments. In this important manner, Vietnamese garment workers have more options than women workers in other Asian sites of production such as Malaysia (Ong 1987, 1997), China (Lee 1998), Indonesia (Caraway 2007), the Philippines (McKay 2006), and Sri Lanka (Lynch 2007).

What makes the case even more interesting is that these worker strategies are not without their tensions as they play out in institutions and settings that are themselves fraught with contradictions specific to socialist market contexts. These contradictions are affecting the VGCL's evolving relationships *within* the state, as officials are forced to deal with workers' demands. Although this labor organization has been complicit with other state bureaucracies in producing a type of compliant/law-abiding worker, consistent with the interests of foreign capital and the state's "political stability," its local offices are allying with other local state bureaucracies and its labor newspapers to champion workers' concerns.

This also sheds new light on the ways Vietnamese workers in a socialist market system interpret and fight for their rights (see Trần 2007a).

Moreover, the ongoing presence of these active labor newspapers, transformed in a different political era, has made a tremendous difference in the resolution of labor grievances when the central state and the VGCL are compromised or weak. Although Ong's concept of "zones of graduated sovereignty," an example of "neoliberalism as exception" in Southeast Asia, provides a framework to analyze state strategies in the EPZs and industrial zones in Vietnam (Ong 2006), her generalization about these zones being freed from national laws, especially regarding labor rights, as governments adjust their policies to the dictates of global capital, does not explain the active roles of Vietnamese local labor unions and labor newspapers, which are still very much part of the state structure, on workers' behalf. Thus the specific legacies of Vietnam's history and the manners in which Vietnamese workers embody socialist ways of seeing and being differentiate this case from others in Southeast Asia.